

LEWIS BRISBOIS BISGAARD & SMITH LLP

Julian J. Pardini, Esq. SB# 133878
Stephen J. Liberatore, Esq. SB# 129772
One Sansome Street, Suite 1400
San Francisco, California 94104
Telephone: (415) 362-2580
Facsimile: (415) 434-0882

Attorneys for Defendant
AMCO INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|----------------------------------|---|--|
| CHRISTINE DOUGHERTY, |) | CASE NO. C 07-01140 MHP |
| |) | |
| Plaintiff, |) | DECLARATION OF JULIAN J. PARDINI, |
| |) | ESQ., IN SUPPORT OF AMCO'S |
| v. |) | OPPOSITION TO PLAINTIFF'S MOTION |
| |) | TO ENLARGE TIME FOR MOTION FOR |
| AMCO INSURANCE COMPANY, and DOES |) | SUMMARY ADJUDICATION [sic] |
| ONE through TWENTY, Inclusive, |) | |
| |) | |
| Defendant. |) | Dept.: 15 — Hon. Marilyn Hall Patel |

I, Julian J. Pardini, declare:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California, as well as the United States District Court, Northern District of California, and, as a partner in the law firm of Lewis Brisbois Bisgaard & Smith, LLP, am one of the attorneys of record for AMCO Insurance Company ("AMCO"), the defendant in the above-referenced litigation. I make this declaration in support of AMCO's Opposition to the Motion to Enlarge the Time to File a Motion for Summary Adjudication [sic] of Plaintiff Christine Dougherty ("Plaintiff"). I have personal knowledge of the matters set forth herein and, if called upon, could and would testify competently thereto.

2. Attached hereto and marked **Exhibit 1** is a true and correct copy of the Court's minute order following the initial case management conference, which the Court convened on July 9, 2007. This minute order appears in the Court's docket as Item #28.

ONE SANSOME STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580

3. Attached hereto and marked **Exhibit 2** is a true and correct copy of the Court's minute order following the further case management conference that the Court convened on November 5, 2007. This minute order appears in the Court's docket as Item #34.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 7th day of May, 2008, at San Francisco, California.

Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL PRETRIAL MINUTES

Date: July 9, 2007

Case No. C 07-1140 MHP

Judge: MARILYN H. PATEL

Title: CHRISTINE DOUGHERTY -v- AMCO INSURANCE COMPANY

Attorneys: Plf: David Porter, Steven Murphy
Dft: Julian Pardini

Deputy Clerk: Anthony Bowser Court Reporter: Sahar McVicker

PROCEEDINGS

- 1) Case Management Conference
- 2) _____
- 3) _____

ORDERED AFTER HEARING:

Underlying claims discussed; Counsel stipulate to private mediation, to be completed within the next 90 days; Pending motion for summary judgment not to be heard by court at this time; Depositions limited to one/side prior to mediation;

A further Status Conference set for 11/5/2007 at 3:00 pm, with a joint status report to be filed one week prior.

7/10/07

Exhibit 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL PRETRIAL MINUTES

Date: November 5, 2007

Case No. C 07-1140 MHP

Judge: MARILYN H. PATEL

Title: CHRISTINE DOUGHERTY -v- AMCO INSURANCE COMPANY

Attorneys: Plf: Jeremy Graham
Dft: Julian Pardini

Deputy Clerk: Anthony Bowser Court Reporter: Katherine Powell

PROCEEDINGS

- 1) Status Conference
- 2) _____
- 3) _____

ORDERED AFTER HEARING:

Mediation attended, but not yet successful; Discovery limited to prior to summary judgment motion(s), to be completed within 90 days; Defendant may file summary judgment motions (3/10/2008); Court instructs plaintiff to turn over 3rd party communications requested;

Exhibit 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY,
Plaintiff(s),

vs.

AMCO INSURANCE COMPANY,
Defendant(s).

Case No.07-1140 MHP

ORDER RE MOTION

On June 22, 2007, defendant filed a motion for summary judgment which has been continued for the purpose of completing further discovery. Pursuant to the minute order dated November 5, 2007, discovery completion is set for February 4, 2008 and summary judgment motions shall be filed on or before March 10, 2008. Therefore, the current motion is deemed withdrawn and the application to continue is moot. If and when defendant files its summary judgment motion it may resubmit the same papers or new moving papers.

Accordingly, the motions bearing docket ##11 and 21 are deemed withdrawn or mooted by the court's minute order dated November 5, 2007, and the Clerk of Court shall correct the docket to so show.

IT IS SO ORDERED.

Date: January 24, 2008



MARILYN HALL PATEL
Judge, United States District Court
Northern District of California

Exhibit 4

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
2 Julian J. Pardini, Esq. SB# 133878
3 Stephen J. Liberatore, Esq. SB# 129772
4 Rowena C. Seto, SB# 235103
5 One Sansome Street, Suite 1400
6 San Francisco, California 94104
7 Telephone: (415) 362-2580
8 Facsimile: (415) 434-0882

9 Attorneys for Defendant ALLIED PROPERTY
10 AND CASUALTY INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA (San Francisco)

13 CHRISTINE DOUGHERTY,

14 Plaintiff,

15 v.

16 AMCO INSURANCE COMPANY, and DOES
17 ONE through TWENTY, Inclusive,

18 Defendant.

19 CASE NO. C 07-01140 MHP
20 E-FILING

21 STIPULATION AND PROPOSED ORDER
22 RE EXTENDING DEADLINE FOR
23 COMPLETING LIMITED DISCOVERY
24 PRIOR TO MOTION FOR SUMMARY
25 JUDGMENT

26 Action Filed: 1/24/07
27 Removed to USDC: 2/26/07

28 Plaintiff CHRISTINE DOUGHERTY and Defendant AMCO INSURANCE COMPANY,
by and through their undersigned counsel, hereby jointly stipulate to and request the Court agree to
continue the deadlines for completion of discovery for the purpose of motions for summary
judgment and for filing motions for summary judgment.

The parties attended a Status Conference on November 5, 2007, and the Court
subsequently issued a Minute Order. On January 24, 2008, this Court issued an Order
memorializing its Minute Order, as follows:

///

• Last Day for Completion of Discovery for the Purpose of Motions for Summary Judgment

February 4, 2008

• Last Day to File Motions for Summary Judgment

March 10, 2008

(See Court's Order dated January 24, 2008, attached hereto as Exhibit "A.").

Pursuant to the Court's Minute Order, on January 4, 2008 Plaintiff served on AMCO by mail a notice of taking deposition of AMCO's person most knowledgeable on nine different topics. AMCO's counsel has attempted to locate and identify the witnesses who qualify as the person most knowledgeable on these topics, including those related to the Colossus program, but has experienced some difficulty in locating all of the witnesses to produce for deposition. Part of the delay has been caused by the circumstance that AMCO and its related companies stopped using the Colossus program in August of 2005, and thus locating any related documents and identifying the individuals still employed by AMCO who have significant knowledge of the Colossus program has been difficult and has taken longer than anticipated.

That search was just recently completed and the witness with regard to the Colossus program who was identified is located out of state. AMCO expects to be in a position to produce for deposition that witness, as well as the witnesses responsive to the other identified topics, in the next three weeks.

Therefore, given the efforts of AMCO to identify and locate the witnesses appropriate to produce in response to Plaintiff's notice of taking deposition, and the delay in completing that effort until recently, the parties jointly stipulate and request the Court to continue the deadlines for completion of discovery for the purpose of motions for summary judgment and for filing motions for summary judgment.

Therefore, the parties agree and stipulate to the following, subject to the Court's approval:

1. The deadlines for completion of discovery for the purpose of motions for summary judgment and for filing motions for summary judgment, as set forth in this Court's Order dated January 24, 2008, is vacated.

2. The deadline for completion of discovery for the purpose of motions for summary judgment is set for March 10, 2008.

4815-2982-5794.1

CERTIFICATE OF SERVICE
C07-01140 MHP

3. The deadline for filing motions for summary judgment is set for March 24, 2008.

Respectfully submitted,

DATED: February 13, 2008

LAW OFFICES OF STEPHEN M. MURPHY

By

STEPHEN M. MURPHY
JEREMY A. GRAHAM
Attorneys for Plaintiff
CHRISTINE DOUGHERTY

DATED: February 13, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

By

JULIAN J. PARDINI
Attorneys for Defendant
AMCO INSURANCE COMPANY

ORDER

Pursuant to the above stipulated request of the parties for an order continuing certain discovery deadlines,

IT IS HEREBY ORDERED that:

1. The deadlines for completion of discovery for the purpose of motions for summary judgment and for filing motions for summary judgment, as set forth in this Court's Order dated January 24, 2008, is vacated.

2. The deadline for completion of discovery for the purpose of motions for summary judgment is set for March 10, 2008.

3. The deadline for filing motions for summary judgment is set for March 24, 2008.

DATED: February 26, 2008

HONORABLE
UNITED STATES

IT IS SO ORDERED

Judge Marilyn H. Patel

3. The deadline for filing motions for summary judgment is set for March 24, 2008.

Respectfully submitted,

DATED: February __, 2008

LAW OFFICES OF STEPHEN M. MURPHY

By

STEPHEN M. MURPHY
JEREMY A. GRAHAM
Attorneys for Plaintiff
CHRISTINE DOUGHERTY

DATED: February 11, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

By


JULIAN J. PARDINI
Attorneys for Defendant
AMCO INSURANCE COMPANY

ORDER

Pursuant to the above stipulated request of the parties for an order continuing certain discovery deadlines,

IT IS HEREBY ORDERED that:

1. The deadlines for completion of discovery for the purpose of motions for summary judgment and for filing motions for summary judgment, as set forth in this Court's Order dated January 24, 2008, is vacated.

2. The deadline for completion of discovery for the purpose of motions for summary judgment is set for March 10, 2008.

3. The deadline for filing motions for summary judgment is set for March 24, 2008.

DATED: February __, 2008

HONORABLE MARILYN H. PATEL
UNITED STATES DISTRICT COURT JUDGE